

CHARTER REVIEW COMMITTEE MINUTES
JUNE 7, 2021 9:30 A.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

PRESENT: Nancy Cook, Chairman; Ken Daige, Vice Chairman; Members: Linda Hillman, Peter Benedict II, and Mark Mucher, Alternate Member **Also Present:** John Turner, City Attorney and Tammy Bursick, City Clerk

1. CALL TO ORDER

The Chairman called the meeting to order at 9:30 a.m. and led the Committee and audience in the Pledge of Allegiance to the flag.

2. APPROVAL OF MINUTES

A) May 21, 2021

Mrs. Hillman made a motion to approve the minutes. Mr. Daige seconded the motion and it passed unanimously.

Mr. John Turner, City Attorney, commented that this Committee was originally to sunset in July, however because of the time delays in having the Committee get started the Committee may want to request that Council extend their time. He said getting the review of the Charter completed by Council's next meeting in order to have items on the November election ballot seems very aggressive. By asking for ample time to review the Charter it won't feel like they are under the gun to get it done quickly.

Mr. Benedict asked where Mr. Turner is getting a sense that the extra time is needed.

Mr. Turner commented that after reviewing the minutes from the last Charter Review Committee, which was in 2014, it took them six (6) months to complete their work. He would suggest that the Committee have their recommendations to the City Council by June 1, 2022, which he felt would be reasonable.

Mr. Daige wanted to bring up additional Parks that needed to be included in the Charter and hoped that they could make this year's referendum just for that one (1) item.

Mr. Turner was not sure that Council was in favor of piece-milling the items.

Mr. Daige felt that it should be discussed.

Mr. Mucher said that they could propose the changes to Council and if Council accepts it then they could have separate items on the ballot.

Chairman Cook asked if there was a motion to extend the Committee's timeframe of working on the Charter to June 1, 2022.

Mr. Mucher mentioned they needed to consider the time that Council will need in order to digest their recommendations.

Chairman Cook wanted them to finish their review in a timely manner and not drag it out. She hoped that they would finish before June 1, 2022. **She made a motion to extend their timeframe to meet on the Charter for another year or until June 1, 2022. The motion was seconded and passed unanimously.**

3. PUBLIC COMMENT

Mr. Linwood Fuller, who lives in the Cultural Arts Village, asked that a Park that is located in his neighborhood be included in the Charter. He said that they want to preserve this property as Park land. He pointed out on the map where the Park is located. There is only one (1) Park in this area and right now it is just open space and does not have a name. It is #206 on the map that was provided to the Committee members by the City.

The question was asked how big is the Park.

Mr. Daige said it was about 50 feet wide and 150 feet deep. He said that when they were looking at other properties to include in the Charter this piece of property was looked at. However, at the time the City wanted it to remain out of the Charter in case the property was needed for a roadway. That is not the case today. He said this would make an ideal Pocket Park for this neighborhood, which is why the neighborhood wants to see it protected. He understands that one (1) of the neighbors mows the piece of property.

Mr. Mucher noted that this City Park was established in the 1960's and the City has an obligation to take care of it. They need to know what kind of Park they want there. Is it a playground Park or one that would have sculptures on it.

Mr. Daige said that the neighborhood was in favor of keeping it green and remain open space. They just don't want to see it developed. He was looking for this Committee's help in protecting the property.

Chairman Cook asked if there was any reason why the neighborhood would not take over the maintenance of the property.

Mr. Fuller informed the Charter Review Committee that the neighbors were meeting tonight and he would bring that up at their meeting.

Mr. Mucher said that either a lease could be done or the City could give the property to that entity.

Mr. Turner stated that as he understands it the area that they are talking about is not a recognized City Park. He was told that it is an established Park. Mr. Turner said that it was not a good idea for any other organization to maintain it. He said if the Park is not being maintained on a regular basis that needs to be addressed by staff. He said that they could be at fault if something should happen and it opens them up for liability.

Chairman Cook recommended signing an insurance waiver.

Mr. Turner did not think that was the way to go. He said the Park needs to be put on a maintenance schedule and maintained on a regular basis.

Mr. Daige mentioned Piece of Pie Park and Jacoby Park. He said that those two (2) Parks were at one (1) time very neglected and not being taken care of. This was brought to the attention of the City Council and the City went out and started maintaining the Parks. They started out with getting these Parks

protected in the Charter, which is what he would like to see with this Park. He doesn't want to see that land sold. As far as maintenance, that can be worked out later down the road. The first thing that they need to do is get it protected and then work out the details later.

Chairman Cook noted that the City is already stressed with the work that they have to do and they should not be adding more work to their already busy schedules. She suggested having the neighborhood continue the maintenance of this property and signing some sort of hold harmless agreement with the City.

Mr. Daige agreed having the neighborhood demonstrate their equity and having this piece of property remain Park land in their neighborhood would help.

Mr. Turner said if Mr. Fuller's organization is interested then they can include something in writing.

Mr. Fuller appreciated the Commission's concerns regarding this matter.

Mr. Mucher referred to the map and said if the list is accurate then it is a City Park. He said they need to decide if they want to put items on the referendum by piece-milling them.

Mr. Daige was asking that they do this today because the way the housing market is this piece of property could be sold. He really wants to protect this Park for this neighborhood. He said that Edgewood Subdivision is not very large and it took a long time to get it on the books and designated as the Cultural Arts Village. He thinks going forward the neighborhood could pull their resources and do the maintenance. He would like to recommend to City Council that they protect this land.

Mr. Mucher was uncomfortable in doing anything until they hear from the City Manager.

Mr. Turner said that there is some protection in the Ordinance in that any piece of property owned by the City that they want to sell would have to be declared surplus property. The property cannot be sold without notice. He realizes that putting in in the Charter would protect it.

Mr. Daige said that they could ask Mr. David Gay, City Surveyor, what the exact width and depth of the property is.

Mr. Turner suggested putting this item on their next agenda and have further discussion on it when the City Manager can attend. In the meantime, Mr. Fuller could talk to his organization and come back and give a report.

Mr. Mucher suggested ways to promote getting people to attend their meetings and speak under public comment. He said maybe something like it could be mentioned at Coffee with the Mayor.

Chairman Cook said in the interest of time and efficiency she is not opposed to sending this to the City Council.

Mr. Daige would like the City Council to look at it and consider putting it on as a referendum item. He said with the rest of the items in the Charter they have time to discuss them and they can be put in the Charter next year. He would like to see this one (1) item done this year.

Mrs. Tammy Bursick, City Clerk, briefly discussed the "Model City Charter" book that she presented to the Committee and told them that this was a guideline that the last Charter Review Committee used.

Mr. Daige added that he was a member of the last Charter Review Committee and they took a lot of time in reviewing the Charter and doing their homework.

Mr. David Gay, Chief Surveyor, said that this piece of property that they have been discussing this morning is 0.2 acres. He does not have the exact dimensions, but would say it is approximately 50 feet wide by 120 feet long. He said it was a buildable lot in the subdivision and is undeveloped and not maintained by the City. He thought the resident next door was mowing the lot.

This item will be brought back at their next meeting for discussion. The Committee asked that Mr. Falls and Mr. Gay be present to discuss ways on how to handle this piece of property.

Mr. Benedict mentioned that there would probably be more than this one (1) piece of property that they will be discussing putting in the Charter. He said if there are other pieces of property that need to go into the Charter then they might want to also look at them and do this all together.

Mr. Daige expressed the importance of having this piece of property put in the Charter sooner rather than later. He said there are concerns with the neighborhood in wanting to have a Park. If there are other properties to be considered they can discuss them, but this tiny piece of property is important.

Mrs. Hillman asked Mr. Fuller to get the comments from his neighbors on this. They need to hear that this small piece of land is important for this neighborhood.

The Committee will continue discussion on this item at their next meeting. They will have a list of what properties are protected and which are not (previously provided to them). The Committee briefly discussed surplus property and the Charter protected properties.

Chairman Cook asked what percentage of property in the City is off the tax rolls.

Mr. Gay said that there are 44% that are tax exempt properties.

Chairman Cook explained the reason she was asking is because they need to be looking towards the future and decide what percentage of property will end up being taken off of the tax rolls. She said that the City operates from the income on the tax rolls.

Mr. Gay explained that most surplus property on the list he provided to them is very small parcels and most of them were purchased by the adjacent property owner.

Mr. Daige brought up the Charter and the land that it protects. He brought up the non-profit organizations taking up so much land in the future. They might want to have the discussion on non-profit organizations taking up City land. He wanted to hear how the Commission felt about that.

Mr. Mucher said it sounds to him like they are talking about removing things from the Charter and that is not their intention.

Mr. Daige did not think that any of the Committee members wanted to take anything out of the Charter.

Mr. Gay brought up the nursery site across from Crestlawn Cemetery and that there is a communication tower located there and the County would like to extend their lease agreement to continue using the tower. However, this land is protected in the Charter and will need to go to referendum. He said that the Committee might want to address allowing other municipal uses in those protected areas or taking that small piece of property out of the Charter.

Mr. Mucher asked if that was municipal as opposed to recreation use and extension of the lease requires a referendum itself.

Mr. Turner said that it would.

Mr. Daige asked isn't this an emergency tower being used for the public.

Mr. Turner said reading it is a two (2) part element. They could add to the Charter if it is public or an emergency that it be limited to that. Have the public understand that this is being use for an emergency basis, public, or civic, and this could be separated. If it applies for emergency public purpose you may lease it. This qualifies as a separate sentence to be included by itself in the Charter. He will bring the wording to the Committee to look at, at their next meeting.

Mr. Gay made it clear that the tower was not exclusively being used just for emergency services.

Mr. Daige asked Mr. Turner to bring back the wording at their next meeting.

4. NEW BUSINESS

A) Review of Charter:

1) Councilmembers Salaries

Chairman Cook asked the Committee if they wanted to make recommendations on changing the City Councilmembers salaries or have them remain what they are now.

Mr. Mucher said that it would not make any sense that those salaries should be fixed. He said that it would make sense to having the City Council's salaries adjusted to the salary increase that the public gets. He said that the last time that the salaries were discussed the City Council's car allowance was removed and added to their monthly salary and put in the Charter. This did not allow the Council to decide on what their salary would be. He doesn't know if this was intended to be forever. He could see an annual cost of living increase given, which would also tie in with their terms of office. He said with a Councilmember having to run every two (2) years they could go into debt with having to run a campaign. He said he knows someone that it happened to. He said that the City Council gets a salary of \$10,000 per year opposed to what the County Commission gets a year, which is \$65,000 a year and they (County Commission) only have to run every four (4) years. He said maybe the terms of office and salaries are related.

Chairman Cook asked if the City Council gets insurance. Mrs. Bursick said that they are offered what a City employee gets.

Mr. Daige asked what the Committee's recommendations on the salary is.

Mr. Mucher didn't know if they just needed a one (1) time jump or just start with giving them a cost of living beginning today. He said that the City Council has not had a salary increase in many years.

Mr. Daige liked talking about an adjustment and not a jump. He said going forward the public would like to see more people involved with being on Council and not just retired people. He wasn't sure how to go about making that happen.

Mr. Mucher said that the County Commission position is a much bigger job than the City Council, but it is not defined as a full time job.

Mr. Turner explained that the County Commission's salary is set by State Statute and depends on how large the County is.

Mr. Daige added that the County Commission also has a good benefit package, including their salary. He said the County Commission could turn a salary increase down, but he has not heard of them doing that.

Mr. Mucher thought that was an individual decision, but it doesn't apply here. The other benefit package that the County Commission receives is through the State retirement system.

Mr. Benedict questioned in taking this to referendum, what would the people support.

Chairman Cook said that it makes sense giving Council a cost of living raise every year. She doesn't know of anyone who would object to that.

Mr. Daige said that they would probably start hearing from the public on how they feel about increasing an elected official's salary. He said that it has come up in the past with some pushback, but the people will make that choice.

Mrs. Hillman noted that regular employees get a cost of living raise. She would feel that there should not be any objections.

Mrs. Hillman made a motion to recommend that there be a change in the Charter to add City Council salaries to include the annual cost of living. Mr. Mucher seconded the motion and it passed unanimously.

2) Councilmembers Term Limits

Mrs. Hillman felt that the City Council's term limit should be extended by one (1) additional year and make it a three (3) year term, instead of a two (2) year term, which is what it is now. She said when they first get on Council there are schools that the City Council needs to attend and it takes the first year to get acclimated to the position. She felt that they would be doing the public justice by changing the term from two (2) years to three (3) years.

Mr. Mucher commented that they tried changing the terms to three (3) years, but it didn't make sense because of the election cycle. He said that Fort Pierce Councilmembers are elected for a two (2) year term, but the Mayor is elected for a four (4) year term. He said by having the terms changed to four (4) year terms it may save the City some money on elections.

Mr. Daige commented that as far as term limits go each time it has been taken to referendum the voters have turned it down pretty heavily. He asked the Committee to be mindful when recommending that things be put on the ballot that they feel pretty comfortable that the public will vote for it. He said some of the public has felt with having two (2) year terms that if they don't care for that person they can vote them out. He said they were not looking for a decision right now.

Mr. Mucher said it has been awhile since the four (4) year term was turned down. He thinks that a four (4) year term is a good idea and to not dismiss it because it didn't pass the last time. He asked whose job was it to push these Charter amendments.

Mr. Daige said that they all live in the community.

Mr. Mucher felt it might help if they were given some press coverage or public participation at their meetings.

Chairman Cook commented with people running for City Council are they seeing a good group people participating in City government or just a few people here and there. They want to have a lot of people to choose from who are good qualified people. She questioned how they get that.

Mr. Benedict commented that basing their discussions on merit alone does not necessarily mean that it will pass in the referendum. He said if it is their best recommendation to change the terms to four (4) years they can put it out there and see what feedback they get. He said that they might change their recommendations as they move through the process, but right now there is a good argument to have the term limit be for four (4) years.

Chairman Cook commented that the same issues keep being brought up over and over again.

Mr. Mucher added that the same people are consistently reelected if they are doing a good job. He said that four (4) years is not a long time. He said it might be easier to sell if the term limits are maxed out after serving for eight (8) years, which would mean two (2), four (4) year terms.

Mr. Daige agreed that they could continue discussing this. He said in local government they want to see people elected who are committed and want to serve the people. These are the people that they want so stay in office.

Mr. Mucher brought up the situation that recently occurred in the City of Sebastian where they recalled a majority of their City Councilmembers. The Committee agreed to also look at the recall provision that is outlined in their Charter.

The City Council's salary and term of office will both be put back on the next Charter Review Committee agenda for further discussion.

3) Percentage of taxable property within the City of Vero Beach

The percentage is 44% off of the tax roll. The Committee asked for more details on how much of this is Airport property and some of the other specific types of properties.

4) Additional Parks that need to be included in the Charter

Mr. Mucher said if there are any other additional properties that need to be protected in the Charter they should talk about those.

Mr. Daige explained that he brought up this one (1) piece of property today because of the urgency. He will go through the list and see if there are any other parcels that should be protected.

5. OLD BUSINESS

Mrs. Hillman asked the City Attorney what entities in the City have an Enterprise Fund.

Mr. Turner said that there is the Airport, Water and Sewer Department, Solid Waste and the Marina.

Mrs. Hillman brought up her concerns about the Marina being protected under the Charter. She would like to see the monies made by the Marina be protected and stay with the Marina and not be taken out. She said that Enterprise Funds should be protected and should be under the Charter. The Marina Enterprise Fund has had so much money taken out of it over the years and as a result of that it has not been able to do the things that are needed for upgrades. They are now in a position to make those needed changes and she doesn't want to see what happened before to the Marina happen again in the future.

Mr. Daige briefly went over how the Enterprise Funds operate in the City. If money from the Enterprise Funds is not going back into the General Fund then they would need to find ways on how to fund the City. He mentioned that having Police Officers comes at a cost and does the taxpayer want to shoulder all of this. He agreed that with the downturn the Marina did suffer and now there is a little extra money coming into the City. The Marina Director has been going after grants. He said a stormwater utility is another fee putting on their citizenry. This will be adding an additional burden to the taxpayers going forward.

Mr. Benedict needed to excuse himself from the meeting at 11:11 a.m.

Mrs. Hillman asked that at their next meeting that they discuss the Enterprise Funds. She is very concerned about protecting the Marina.

Chairman Cook commented that it does cost a little more to do continuous maintenance, but if it keeps getting put off then it will cost even more.

Mr. Mucher said that the Marina is in the Charter and it is funded. He said that the Marina itself is Charter protected. He was not sure what the issue is.

Mr. Daige explained that the Marina property is in the Charter. They are discussing the business part of the Marina.

Mr. Turner explained that the operations of the Marina are the responsibility of the Marina Director and the City Manager. The Marina cannot be sold without a referendum, but the operation of the Enterprise Fund could be changed.

Mr. Mucher recalled that the Recreation Department used to be called an Enterprise Fund and it always lost money.

Mr. Turner said that he would talk to Mr. Falls about asking the Marina Director to attend one (1) of their meetings.

Mr. Mucher wondered if it was outside of their purview to be putting something concerning an Enterprise Fund in the Charter.

Mrs. Hillman wanted to know how much money came out of the Marina Fund and where was it directed. She wanted to hear from the Finance Director to see if she thought it was a good idea to have the Marina as an Enterprise Fund put into the Charter.

Mr. Daige would like to know if there are other cities that have their Enterprise Funds in the Charter. He said that they could look at the "Model Charter" to see what their recommendations are. He agreed that

the Committee needed to hear from the Finance Director and the Marina Director concerning this. That would help them make a decision and whether they should move forward on this or not.

Mr. Mucher was still questioning whether or not it was a Charter issue.

Mrs. Hillman stated that her main goal was to include this in the Charter.

Mr. Mucher commented that if the Electric Utility was in the Charter then they would have had to take it to referendum before the City sold it.

Mr. Hillman was concerned about the money being transferred from the Marina. She doesn't want to lose the Marina. She can see the Marina being a gold mine.

Mr. Daige said that it would be up to the City Manager as to whether the Finance Director and the Marina Director will be allowed to address their questions.

Mr. Turner commented that some Enterprise Funds are not operated by the government, but are negotiated through contracts and agreements allowing private enterprises to operate them. He said that they should take that into consideration.

Mr. Mucher added that the way the Charter reads now is if they want to lease it to an outside company to run then that would require a referendum, but if they wanted a management agreement then it wouldn't. Mr. Turner said that was correct. The management company would not own the property, they would just run the business.

Mr. Daige commented that the City did look at subcontracting the Marina out, but it did not fly. Then they did do an RFP for someone to come in and run it and they determined they would have to increase fees in order for that to work. It is a benefit to the City that the money is being transferred to help stop tax increases. The boating community has picked up and the Marina Director is doing an outstanding job. There is a good master plan in place and they are working through it. He said going forward lets protect what they have for future generations because they want everyone to enjoy this beautiful City.

Mr. Mucher said when they invite the Finance Director to come to talk about the Marina finances, she needs to be given a heads up about putting an Enterprise Fund into the Charter.

6. CHAIRMAN'S MATTERS

These items were discussed earlier in the meeting.

7. MEMBER'S MATTERS

These items were discussed earlier in the meeting.

8. SET NEXT MEETING DATE

The next Charter Review Committee meeting will be held on June 29, 2021, at 9:30 a.m.

9. ADJOURNMENT

Today's meeting adjourned at 11:31 a.m.

/tb